

Rejections under 35 U.S.C. § 103

The Examiner has rejected Claims 1-41 as being unpatentable under U.S. Patent No. 5,550,816 issued to Hardwick (Hardwick) in view of U.S. Patent No 6,064,671 issued to Yu (Yu). Applicants respectfully traverse this rejection.

The Examiner apparently erroneously refers in Paragraph 4 of Paper 21 to: [1] Claim 1 (see paragraph 10 in view of paragraph 4), [2] Barrett and [3] Baker. In responding to the currently pending office action, Applicants have: [1] treated the errant reference to Claim 1 as though it was a reference to Claim 32, [2] treated the errant reference to Barrett as though it is a reference to Hardwick, and [3] treated the errant reference to Baker as though it is a reference to Yu. Applicants seek confirmation that these substitutions and reading of the September Office Action are accurate.

With regard to Claim 32, claims 32 recites: a network device comprising a first port that connects to a first interface, a second port that connects to a second interface, and a trunking pseudo driver coupled to the first port and the second port such that the trunking pseudo driver allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies the connection between said first and second ports. The Examiner asserts that the entire "Summary of the Invention" section of Hardwick (Hardwick, col. 6, line 38 - col. 11, line 63) teaches a network device comprising a first port that connects to a first interface and a second port that connects to a second interface. As such, the Examiner has failed to provide a citation that clearly directs Applicants to a portion of Hardwick that teaches or suggests the pertinent element recited in the claim. In making an obviousness rejection, the Examiner is required to sufficiently communicate the basis for the rejection, including specific citations to the referenced art. "[T]he examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s)." MPEP § 706.02(j). As the Examiner has provided a reference to the entire "Summary of the Invention" section of Hardwick, the Examiner has failed to meet the burden of proof required to establish a *prima facie* obviousness rejection.

The Examiner then provides more direct references to where the Examiner asserts that Hardwick teaches a high-speed link and an associated identifier that identifies the connection between said first and second ports. The Examiner asserts that Hardwick discloses a very high speed link at col. 3, lines 15-23. However, this portion of Hardwick simply summarizes packet protocols that are used with very large data networks. Importantly, this portion of Hardwick explicitly speaks of data networks that have many very dissimilar links that include a mix of very high speed local area networks and low speed long distance point to point lines. This in no way teaches or suggests the emulating of a single high-speed device recited in Claim 32 which recites a trunking pseudo driver that allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies the connection between said first and second ports.

The Examiner further asserts that Hardwick discloses an associated identifier that identifies the connection between said first and second ports at col. 35, lines 49-62. However, this portion of Hardwick only teaches a virtual router which has an instance identifier comprised of up to 20 characters. This in no way teaches or suggests the "associated identifier" recited in Claim 32 which recites a trunking pseudo driver that allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies the connection between said first and second ports.

The Examiner admits that Hardwick fails to teach or suggest a trunking pseudo driver coupled to the first port and the second port such that the trunking pseudo driver allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies the connection between said first and second ports. Applicants assert that this is at the heart of what is recited in Claim 32. To remedy this deficiency, the Examiner cites Yu.

The Examiner asserts that Yu discloses a virtual network mechanism to access well known port application programs on a network using a trunking pseudo driver which is to be emulated by the host system. The Examiner refers to the Abstract of

Yu which states, among other things, that, "[t]he mechanism transforms the well-known port identifier of each inbound packet into a non-well-known port identifier in addition to other station address identifier fields. It then redirects the transformed packet back to the IP layer of the stack for transfer to the appropriate well-known port application program of the hosted operating system." It is clear on its face by, among other things, its recitation of both a well-known and a non-well-known port identifier and the transformation of one to the other that Yu fails to teach or suggest a trunking pseudo driver that allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies the connection between said first and second ports as recited in Claim 32. As such, Yu fails to cure the deficiencies of Hardwick.

In addition, the Examiner asserts that Yu teaches a pseudo device driver which is to be emulated by the host system at col. 8, lines 35-50. However, this portion of Yu only recites a pseudo device driver that is part of a host operating system. As such, Yu fails to teach or suggest a trunking pseudo driver that allows the first interface and second interface to emulate a single high-speed device by assigning to said first and second interfaces an associated identifier that identifies the connection between said first and second ports as recited in Claim 32. Therefore, Yu fails to cure the deficiencies of Hardwick.

For all of the reasons set forth above, the combination of Hardwick and Yu fails to teach or suggest all of the limitations recited in Claim 32. As such, Claim 32 and all claims depending thereon are patentable over the cited art.

With regard to Claims 1, 14, 19, 24, 32, 38, 39, 40 and 40, the examiner asserts that Claims 14, 19, 24, 32, 38, 39, 40 and 40 are rejected for the same rationale as set forth regarding Claim 32. While Applicants do not agree that all of these claims contain the limitations set forth in Claim 1, to the extent the Examiner applies arguments to reject these claims from the Examiner's rejection of Claim 32, the above remarks regarding Claim 32 apply to Claims 1, 14, 19, 24, 38, 39, 40 and 41. For the reasons set forth above regarding Claim 32, Claims 1, 14, 19, 24, 38, 39, 40 and 41, and all claims depending thereon, are patentable over the cited references. As such, the obviousness rejections to

Claims 1, 14, 19, 24, 38, 39, 40 and 41, and all claims depending thereon have been overcome, and the rejections should be withdrawn.

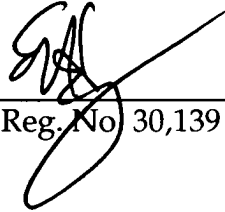
CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance; such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

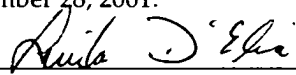
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December 28, 2001